

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1888

H.P. 1339

House of Representatives, May 23, 1997

An Act to Decrease Smoking Among Maine Youth, Young Adults and Adults.

Reported by the Minority from the Joint Standing Committee on Health and Human Services pursuant to Joint Order H.P. 1322.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 22 MRSA §§1580-E and 1580-F are enacted to read:

§1580-E. Smoking Prevention Fund

The Smoking Prevention Fund is established as a nonlapsing, dedicated fund, referred to in this section as the "fund," to substantially reduce the prevalence of tobacco use among the youth, young adults and adults of the State. The fund is under the control of the Bureau of Health to be used for public information and education, media campaigns, medical assistance, tobacco law enforcement efforts, staff salaries, administrative expenses and other expenses related to the purposes of the fund.

1. Deposits. As provided in Title 36, section 5287, the Treasurer of State shall credit to the Smoking Prevention Fund income received from the antismoking income tax checkoff, any private donations, grants and funds acquired by the fund, any matching funds transferred pursuant to subsection 2 and the \$250,000 in start-up funds from the General Fund appropriated during fiscal year 1997-98.

2. Matching funds. Funds appropriated by the Legislature, in excess of the start-up funds of \$250,000 appropriated during fiscal year 1997-98, may be transferred to the fund only to match in equal amounts income to the Smoking Prevention Fund from checkoff contributions and private donations and grants contributed by citizens, businesses and other entities.

3. Restrictions. One half of all funds expended by the fund must be used for the media and education campaigns authorized under section 1580-F, subsection 2. The remainder must be used for medical assistance, law enforcement and administration, as described in section 1580-F, subsections 3, 4 and 5. Expenditures during any fiscal year are restricted to \$1,500,000.

§1580-F. Smoking Prevention Program

The department shall implement the Smoking Prevention Program, referred to in this section as the "program," to educate the people of the State about the detrimental health effects of smoking and secondhand tobacco smoke, to reduce tobacco use among the youth, young adult and adult population and to motivate the public to work for smoke-free environments.

2 1. Program basis. The program must be based on tobacco
4 prevention and control guidelines issued by the National Cancer
6 Institute or the federal Centers for Disease Control and
8 Prevention. It must supplement but may not duplicate existing
10 antismoking efforts of the Bureau of Health.

12 2. Education and media campaigns. The program must include
14 education and media campaigns, including some specifically
16 targeted to appeal to youth and young adults, and stress the
18 importance of discontinuing tobacco use and preventing its
20 initiation. The campaigns must include the following:

22 A. Education to provide information about the health
24 hazards of smoking and encouragement to persons to
26 discontinue smoking and to resist starting smoking;

28 B. Grants for funding community-based programs aimed at
30 tobacco prevention and control, including funding of tobacco
32 prevention and control education for those school
34 administrative units offering programs to primary, middle
36 and high school students, and for community-based
38 enforcement of state tobacco control laws, including
40 prohibition of sales to minors;

42 C. Community-based programs of smoking prevention and
44 cessation counseling and for dispensing of medication, when
46 appropriate, available for all youths free of charge and for
48 adults on a fee schedule that varies with income level; and

50 D. Procedures for monitoring and evaluating which prevention
and control programs are working and which need to be
changed, including program evaluation and tobacco use and
attitude surveys.

3. Medical assistance. To the extent that funding is
available, the program must provide on a sliding fee scale
approved smoking cessation products and treatments to persons
requiring medical assistance in order to discontinue smoking.

4. Law enforcement. In conjunction with law enforcement
and other state agencies, the program must include law
enforcement efforts to increase compliance with laws regarding
the transportation, distribution and sale of cigarettes and
tobacco products.

5. Administration. The Bureau of Health shall administer
the program and may contract with one or more qualified agencies
as necessary to accomplish the purposes of the program. In
administering the program the bureau shall consult and coordinate
efforts with the Department of Education.

2 6. Funding. Funding must be provided from the Smoking
4 Prevention Fund established under section 1580-E.

6 7. Advisory committee. The Governor shall appoint a
8 volunteer advisory committee to review the program and advise the
10 Bureau of Health on its operation. Committee members must
12 represent the public, youth and young adults, the business
14 community, the health care community and public health agencies.
The committee shall report by January 1st of each year on the
operation of the program and the expenditure of funds from the
Smoking Prevention Fund to the joint standing committee of the
Legislature having jurisdiction over health and human services
matters.

16 8. Rulemaking. The department shall adopt rules to
18 implement the program. Rules adopted pursuant to this subsection
20 are routine technical rules as defined by Title 5, chapter 375,
subchapter II-A.

PART B

22 Sec. B-1. 36 MRSA §5287 is enacted to read:

§5287. Antismoking voluntary checkoff

26 Beginning with tax year 1997, the following provisions
28 apply to enable taxpayers to make contributions to the Smoking
Prevention Fund.

30 1. Taxpayers eligible for refund. A taxpayer who, when
32 filing that taxpayer's return, is entitled to a refund under this
34 Part may designate that a part of that refund be paid into the
Smoking Prevention Fund, established pursuant to Title 22,
section 1580-E.

36 2. Taxpayers not eligible for refund. A taxpayer who is
38 not entitled to a refund under this Part may contribute to the
40 Smoking Prevention Fund by including with that taxpayer's return
sufficient funds to make the contribution.

42 3. Tax returns. Each individual income tax return form
44 must contain a designation in substantially the following form:
"Smoking Prevention Fund: () \$1, () \$5, () \$10, () \$25 or
46 () Other \$."

48 By July 1st and January 1st each year, the State Tax
50 Assessor shall determine the amount contributed pursuant to this
section, deduct the cost of administering the antismoking
checkoff and report the remainder to the Treasurer of State, who

2 shall credit that amount to the Smoking Prevention Fund. The
3 cost of administering the antismoking checkoff may not exceed
4 \$2,500 semiannually.

6 **PART C**

8 **Sec. C-1. Appropriation.** The following funds are appropriated
9 from the General Fund to carry out the purposes of this Act.

10 **1997-98** **1998-99**

12 **ADMINISTRATIVE AND FINANCIAL**
14 **SERVICES, DEPARTMENT OF**

16 **Bureau of Taxation**

18 All Other \$6,143 \$1,143

20 Provides for additional
22 administrative and computer
24 programming costs associated
with establishing an
antismoking check-off.

26 **DEPARTMENT OF ADMINISTRATIVE**
28 **AND FINANCIAL SERVICES**
30 **TOTAL**

\$6,143 \$1,143

32 **HUMAN SERVICES, DEPARTMENT OF**

34 **Health - Bureau of**

36 All Other \$250,000

38 Provides start-up funds to be
deposited in the dedicated
Smoking Prevention Fund.

40 **Smoking Prevention Reserve**

42 All Other \$500,000 \$500,000

44 Provides funds to be
46 transferred to the dedicated
48 Smoking Prevention Fund
consistent with the

2 conditions of the Maine
 Revised Statutes, Title 22,
 section 1580-E.

4	DEPARTMENT OF HUMAN SERVICES		
6	TOTAL	\$750,000	\$500,000
8	TOTAL		
10	APPROPRIATIONS	\$756,143	\$501,143

12 **Sec. C-2. Allocation.** The following funds are allocated from
 Other Special Revenue to carry out the purposes of this Act.

14		1997-98	1998-99
16	HUMAN SERVICES, DEPARTMENT OF		
18	Smoking Prevention Fund		
20	All Other	\$250,000	\$500

22 Allocates funds to authorize
 24 the expenditure of funds as a
 26 result of the General Fund
 28 appropriation to the Smoking
 30 Prevention Fund providing
 32 start-up funds and if Other
 Special Revenue is received
 and General Fund
 appropriations are deposited
 pursuant to the Maine Revised
 Statutes, Title 22, section
 1580-E.

36	FISCAL NOTE		
38		1997-98	1998-99
40	APPROPRIATIONS/ALLOCATIONS		
42	General Fund	\$756,143	\$501,143
	Other Funds	250,000	500

44	REVENUES		
46	Other Funds	\$250,000	

2 This bill includes General Fund appropriations of \$750,000
and \$500,000 in fiscal years 1997-98 and 1998-99, respectively to
4 the Department of Human Services for potential deposit in the
Smoking Prevention Fund. The fiscal year 1997-98 amount includes
6 \$250,000 for start-up purposes. The remaining \$500,000 each year
is appropriated, in the event other funds are received. This
8 bill also includes Other Special Revenue allocations of \$250,000
and \$500, in fiscal years 1997-98 and 1998-99, respectively, to
authorize expenditures from the Smoking Prevention Fund.

10
12 The additional dedicated revenue that may be generated
through an income tax check-off or other means, including
14 donations and other contributions can not be estimated. Since
the receipt of dedicated revenue triggers the transfer of the
16 General Fund appropriations in the Smoking Reserve Fund to the
Smoking Prevention Fund, the amount available to support the
18 costs of the Smoking Prevention Program in any given year can not
be guaranteed. Additional General Fund appropriations or another
20 source of funding will be required to fund these new program
initiatives.

22 The Bureau of Taxation will require an additional General
Fund appropriation of \$6,143 in fiscal year 1997-98 to support
24 the additional administrative and programming costs associated
with creating a new check-off. A portion of these costs may be
26 reimbursed as General Fund revenue as a result of the authority
granted to deduct the cost of administering the check-off. The
28 annual amount may not exceed \$5,000 annually. The amounts and
the timing of this additional General Fund revenue can not be
30 estimated at this time.

32 SUMMARY

34
36 This bill, which is the report of the minority of the Joint
Standing Committee on Health and Human Services, establishes the
38 Smoking Prevention Program within the Department of Human
Services, Bureau of Health to provide a comprehensive antismoking
40 campaign that includes education and media campaigns and
increased enforcement of tobacco control laws. The maximum
42 amount to be expended on the program in a year is \$1,500,000. It
establishes the Smoking Prevention Fund to receive funds from a
44 voluntary income tax check-off, private funds and grants and
matching funds appropriated by the Legislature of up to \$500,000
46 per year. It provides start-up funds of \$250,000 from the
General Fund. It dedicates revenue and allocates funds for
expenditures and includes a fiscal note.